

RECEIVED EPA REGION III JUN 1 1 2012 NPDES PERMITS BRANCH (3WP41)

### west virginia department of environmental protection

Division of Mining and Reclamation

601 57th Street, SE

Charleston, WV 25304-2345

Phone: (304) 926-0490 Fax: (304) 926-0456

June 5, 2012

Earl Ray Tomblin, Governor Randy C. Huffman, Cabinet Secretary www.dep.wv.gov

HAMPDEN COAL COMPANY LLC PO BOX 1389 GILBERT, WV 25621

### Gentlemen:

Enclosed is your WVNPDES Permit No. WV1024892 for your Surface Mine located near Gilbert in Logan, Mcdowell, Mingo County, West Virginia.

We suggest that this permit or a copy of it be kept in the office nearest the discharge point.

If you have any questions, please contact me at (304) 792-7250 or by mail at:

Department of Environmental Protection 1101 George Kostas Drive Logan, WV 25601

Attention: Melissa Johnson

Sincerely,

Melissa Johnson Permit Writer

cc: Environmental Protection Agency Environmental Inspector DEP Regional Office File Headquarters NPDES File



EPA REGION III

### west virginia department of environmental protection

Division of Mining and Reclamation 601 57th Street, SE Charleston, WV 25304-2345

Phone: 304-926-0490 Fax: 304-926-0496

Earl Ray Tomblin, Governor Randy C. Huffman, Cabinet Secretary www.dep.wv.gov

### **WEST VIRGINIA** NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WATER POLLUTION CONTROL PERMIT

NPDES PERMIT NO .:

WV1024892

ISSUE DATE:

June 5, 2012

ASSOCIATED PERMITS: S500410(SMA)

EXPIRE DATE:

June 5, 2017

SUBJECT: Auger Contour; Haulroad; Highwall Miner; Surface Mine

SUPERSEDES/

N/A

**EFFECTIVE DATE:** 

**HEALTH CERTIFICATE:** 

LOCATION:

Gilbert (City)

Logan, Mcdowell, Mingo

Group E

Upper Guyandotte River

(County)

(Hydrologic)

(Drainage Basin)

### TO WHOM IT MAY CONCERN:

This is to certify that: HAMPDEN COAL COMPANY LLC

PO BOX 1389 GILBERT, WV 25621

### is hereby granted a West Virginia NPDES Water Pollution Control Permit to:

The Canebrake Surface Mine and Haulroad proposes to surface mine utilizing area, contour, steep slope, auger and highwall methods of mining in the Williamson, Lower Williamson, Upper Cedar Grove, Lower Cedar grove Upper Alma Rider, Upper Alma Upper Bench, Upper Alma Lower Bench & Lower Alma seam and all associated splits and riders. The operation will discharge treated and stormwater into Unnamed tributaries of Canebrake Branch and Canebrake Branch, Unnamed tributaries of Browning Fork and the Guyandotte River all of the Guyandotte River. This operation is located 2.5 miles northwest of Gilbert in Mingo County WV.

This permit is subject to the following terms and conditions:

-The effluent limitations, monitoring requirements and other conditions set forth in Section A, B, C and D.

Thomas L. Clarke

**Director** 

Permit No. WV1024892

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

EQUIREMENTS	Sample Type	Estimated	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab								
MONITORING REQUIREMENTS	Measurement Freq.	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly								
	Units	GPM	UMHO/CM	Std Units	MG/L	ML/L*	MG/L	NG/L	MG/L	MG/L	MG/L	MG/L	MG/L					-	•		
DISCHARGE LIMITATIONS	Max. Daily	Report Only	Report Only	9.00	70.00	0.50	Report Only	8.20	1.56	1.73	0.64	Report Only	Report Only			*					
DISCHARGE	Avg. Monthly	Report Only	Report Only	N/A	35.00	N/A	Report Only	4.70	06.0	1.00	0.37	Report Only	Report Only								
	Min. Daily	Report Only	Report Only	6.00	Report Only	N/A	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only								
Quan/	Conc	Quan	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Сопс	Conc	Conc								
Ends																_					
Begins		06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012								
-	CHARACTERISTICS	Flow	Specific Conductance	Hd	Total Suspended Solids	Settleable Solids	Total Sulfates (as S04)	Selenium, Total Recoverable	Iron, Total (as Fe)	Manganese, Total (as Mn)	Aluminum, Total (as Al)	Aluminum, Diss. (as Al)	Total Dissolved Solids (TDS)				,			,	<u>l</u>
Elevation	In Feet	1520																			
Latitude	Longitude	37°39'08" 81°53'10"												(See 3, 4)					_		
Effluent	Type	_								`					<u> </u>						<del></del> .
Outlet	Numper	001		·												 	,				

<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892
Page 3 of 35

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

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EOUIREMENTS Sample Two					Cab	Crab					Grab										
MONITORING R	Seminaring	Semi-monthly	Semi-monthly	Sem-manthy	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	. Semi-monthly	Semi-monthly.	Auguowydes	-	A the state of the	Andreas and a state of the stat						
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<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892
Page 4 of 35

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

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		L 3																				
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<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892 Page 5 of 35

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

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EQUIRENENTS Samula Tura	S dies	Grab		Grab		Grab	Grab	Grab			Crab						-				
MONIORING F	Sent-monthly	Semi-monthly	Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monthly	Sembnonthy	Semi-monthly	Semi-monthly	Seni-monthly	Semi-monthly	Semi-monthly						•			
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Permit No. WV1024892
Page 6 of 35

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

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REQUIREMENTS	Sample Type	Estimated	Grab	Grab	Grab	Grab		Grab	Ġ Ġ		Crab		qe10									
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The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892
Page 7 of 35

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

<sup>2.</sup> EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

		-																			
SAUREMENTS Sample Type	Estimated	Grab				Grab			Grab												
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<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892 Page 8 of 35

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

				:																
REQUIRENENTS	Sample Type	Estimated	G	Caso	Grab	. Grab		Grab	Crab	Gab	g Ö	Gag	Grab							
NONTORNER	ogawasoo.	Semi-monthly	Sent-monthly	Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monthly	Semi-monthly	Semismonthly	Sem-monthly	Semi-monthly	Sentemonthy	Semi-monthly							ersogeneinjengig to sjag vands identionsom deland gestern om deland in deland om en
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Permit No. WV1024892 Page 9 of 35

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

<sup>2.</sup> EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

				_							,	,						 	
MONITORING REQUIREMENTS	Sample Type	Estimated	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab						
MONITORING	Measurement Freq.	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly						
	Units	Ğ₽M	UMHO/CM	Std Units	MG/L	ML/L* 8	MG/L	NG/L	MG/L	MG/L	MG/L	MG/L	MG/L						
IMITATIONS	Max. Daily	Report Only	Report Only	9.00	70.00	0.50	Report Only	8.20	1.56	1.73	0.64	Report Only	Report Only						
DISCHARGE LIMITATIONS	Avg. Monthly	Report Only	Report Only F	N/A	35.00	N/A	Report Only	4.70	06:0	1.00	0.37	Report Only	Report Only						
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Begins		06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012						
EFFLUENT	CHARACTERISTICS	Flow	Specific Conductance	Hd	Total Suspended Solids	Settleable Solids	Total Sulfates (as S04)	Selenium, Total Recoverable	Iron, Total (as Fe)	Manganese, Total (as Mn)	Aluminum, Total (as Al)	Aluminum, Diss. (as Al)	Total Dissolved Solids (TDS)						
Elevation	In Feet	1560							•		٠.		<u></u>					•	
Latitude	Longitude	37°38'48" 81°52'34"												(See 3, 4)					
Effluent	Type	_																	
$\top$	Number	800																	_

<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892 Page 10 of 35

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

<sup>2.</sup> EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

COUREMENTS Sample Type	Estimated	gr.		- Si	G SE	325	6	Grad	QB/O		Grab	Grab .						•			
MONITORING RI	Serricorthy	Semi-moraly	Semimonthly	Semi-monthly	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Sern-monthly		Semi-monthly	Seni-nonthy							· Company of the Comp		
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DISCHANGE Avg. Monthly	Report Only	Report Only					5,5		000.2	3,00	Report Only	Report Only									
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The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892 Page 11 of 35

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

<sup>2.</sup> EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

IRENENTS ample Type	ESTINGTO CO	Orab	Ces	Grab	O ap	Grab	Grab	Græb	- CB	985	Grab	Ge io							
MONITORING REQU Measurement Freq. S	Semi-marthy	AHALOLANGE	Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monfly	Semi-monthly	Associate S	Semi-monthly .	Semi-morth	Semi-monthly	Semi-monthly				Annual in a minima di manana ana ana ana ana ana ana ana ana			
Section of the constitution of the constitutio	C P R		\$ 50 miles		2	j	767	752		. J	Joan Joan Joan Joan Joan Joan Joan Joan	NO/L	de sinuada que		- Control of the Cont		•		
IMITATIONS	Report Only	Report Only P	50.6	70.00	5		8,20		22.0	939		Report Only							
DISCHARGE LIMITATIONS	keport Only	keport Only R	<u> </u>	00.55		Report only R	8,70	S. S	- S	8	Report Only R	Repartions R							
		eson Only	8			Report Only	Aeport Cally	Separation of the separation o	Report Crity 12		Sport Only P	Heport Only				The house control of the second			65488888888888
Quan/ Conc			8	Z. Z.	2	<u> </u>	286	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	<u> </u>	25	25.	68				•		24727-0-0-11400-	
Ends															Cropping Control of Con				
4 9 9 9	2009/2012	08/06/2012	. 25/02/20/2	27.03%0.030		06/05/2012	7.00000	05/05/2012	08/02/20:3			06/0/2012						-o genzimanione.	
PFLUENT HARACTERISTICS	Flow	sectio Conductamos	×	Stel Suspended Solas				m, Tolal (as Fe)											
	1556 FI		<u>.</u>														WOODS AND A STORE OF THE	***************************************	Month probabilis de la companya del companya del companya de la co
907987	37°38'37" 81°52'43"								diesen del cena del c										
	7				Societic from the state of the	noodusekskolidessäd nyväll	elogue silve occurrence		10000000000000000000000000000000000000	<b>0</b> -4		***************************************		symmetri salahondalari					Accounts Accounts
Outlet Number	10		addisional data of the side of	************************************	<del>2000000000000000000000000000000000000</del>		*****************	~~~						<b>1</b>	6 Birmania in William (	Pornássussussissávára			

<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892 Page 12 of 35

# DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

_	1	ı		1	1	1 -	T	Τ		T	ſ.		r		1	γ	ı	1	<del>r</del>	l	Γ	I
MONITORING REQUIREMENTS	Sample Type	Estimated	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab			
MONITORING	Measurement Freq.	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly			
-	Units	GPM	UMHO/CM	Std Units	MG/L	MG/L	ML/L*	MG/L	MG/L	MG/L	MG/L	MG/L	UG/L	MG/L	MG/L	MG/L	MG/L	TUc	MG/L			-
LIMITATIONS	Max. Daily	Report Only	Report Only	00.6	Report Only	70.00	0.50	Report Only	Report Only	Report Only	Report Only	Report Only	8.20	2.46	1.73	1.27	Report Only	1.64	Report Only			.,
DISCHARGE LIMITATIONS	Avg. Monthly	Report Only	Report Only	A/A	Report Only	35.00	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	4.70	1.42	1.00	0.73	Report Only	0.82	Report Only			
	Min. Daily	Report Only	Report Only	6.00	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only			
Quan/	Conc	Quan	Conc	Conc	Сопс	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc			
Ends																						
Begins		06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012			
EFFLUENT	CHARACTERISTICS	Flow	Specific Conductance	Hd	Alkalinity, Total	Total Suspended Solids	Settleable Solids	Calcium, Total (as Ca)	Magnesium, Tot (as Mg)	Sodium, Total (as Na)	Potassium, Total (as K)	Total Sulfates (as S04)	Selenium, Total Recoverable	Iron, Total (as Fe)	Manganese, Total (as Mn)	Aluminum, Total (as Al)	Aluminum, Diss. (as Al)	Chronic Tox-Ceriodaphnia Dubia	Total Dissolved Solids (TDS)			
Elevation	In Feet	1576	•																			
1	_	37°38'32" 81°53'38"											-							(See 3, 4)		
Effluent	Type	٦																	_			
1		011			-																	

Permit No. WV1024892 Page 13 of 35

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

<sup>2.</sup> EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

			000													and the second s	I			
B propriet S is	Simated	Gap		QE C	Grab	Grab		Caran	ORP.	qer)										
MONTORING R		Semi-monthly	Semi-monthly		See Section A of Permit.	Semi-monthly	Serimonial	Semi-monthly	Semi-marithy	Senimonthly	Semi-monthly	Semi-monthly					·			
W. S. S. S. S.	SPA	UMHOLCIM	Sta Units	NO.	WLL.	MGAL	USA	MG/L	MOIL	MCAL	NO/L	NGA								
	Report Only	Report Only	8.	70.00	93	Report Only	8.8	6		27.	Report Only	Report Only								
DISCHARGE	Report Cnly	Report Only	## ## ## ## ## ## ## ## ## ## ## ## ##	38.00	7%	Report Only	A, 7 S	*** 64	400	0.73	Report Only	Report Only								
	Report Only	Report Only	36	Report Only	48	Š	Report Only	Ž Š	ã	Feport Only	Report Only									
			2002	2010		2002	0.00	200			3102	2								r Tidenschille lied is Bellevier den wer
E					. 7.3		~													
	1,0776.076.0	0.00.572017	06/05/2012	05/05/07	. 08/08/2012	2805020	06/05/201	06/03/2012	0.6/05/2012	187/20780	102/90/90	08/06/2047								
EFFLUENT FRESTORS	Flow	Specific Conductance	I		Settlerde Sotts	otal Sufates (as S04)	Seentum, Total Pecovarable	Irosi, Total (as Fe)	Manganese, Total (as Mil)	#Jummum, Total (#5 A.)	Mummum, 258. (88 Ab)	Total Dissolved Splics (TDS)								
Elevenon in Faet	1564																•			
	37°38'37" 81°53'44"	3			Sycano consciona de		and the second s	Anne de la constante de la con	gal la la sección na Arbentic		200414000						W inciclate description	88 48660ccccccccccccc		
Filtrag	_		DOL NA TRANSPORTE		ika wasa di makania nda na sa kiri		, minyjepogaprigazovining						***************************************		odania da kanaka 1, a		wasto Deput Oranes (a		· Harrison or con	
	112	<b>NORMAL PROPERTY OF STREET</b>	· českoben ne nemeno po primoj	·		denkalan kalan pelandar kalan kalan pe				00000000000000000000000000000000000000		odnianos depis danos con endrado		anstra sonaponijako, kaj os	AV. (2000) 15 (2000)	•••••••		ovánováno naziyyyyájo ces		<b>Physical Communication</b>

The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892 Page 14 of 35

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

<sup>2.</sup> EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

LUREMENTS Sample Type	AND THE STATE OF T	Grab	Græb	C585	Grab	0.810	Grab	Grab	Grab	Grab	Grab	Se Se		All the first of a delical framework or the second						
ORING REQ.				. Agge		All vertices accommon to the control of the control								Acceptable and Livering Confession and Confession a			And in a distribution of the contract of the c			
Measuremen	Semi-monthly	Semi-monthly	Angeou-Jules	Semi-monthly	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Sem-monthy	Aqquou-ques	Sembrachthy						i i da karanta	Yerferinde Organization of the Control of the Contr	TALLEGRANISTAN SIGNAMAN ANTONIO (CANADA CANADA CANA
Units	CPM	UMHOKW		MGA	MALL	Jon	Ten	MGAL	NGAL	NOV	MOA	NCA								
LIMITATIONS Max. Daily	Report Only	Agoort Only	8	70,00	8	Report Only	2	2,40	25	7.7.	Aro Hode.	Report Only			A					
DISCHARGE Avg. Monthly	Report Only	Report Only		26.00		Report Only .	2.5	1.42		2	Report Only	\$ <del>-</del>							200	
Min. Daily	Tepait Only	Report Only	302	Peper Cary	. 33	Report Only	\$00 pod \$2		Report Only		Kapar ony	Report Only								
		2882			Conc		3	2										*		
ř G													ž.							*
Begins	0.02/20/50	06/05/2012	0000000	06/02/2012		087.8729	2.02/2015													
	Flow	specific Conductance	H	Total Suspender, Sonce																
	1480																			
	37°38'42" 81°53'54"					ahtin ahadida makama da	nicenia essegú escapare tida	au Carlon (Argundary) y (Mary Sang)	di-vii-vooggeene va		•		8 8	eeptamakeeptoonoona	AAATIILA IS WOOD OO BAAAATII AAAA			<del>on in problem and i</del>	entimine entiments of the second	
	٦						*** Saabilitable************************************				•				•	***************************************	•			
	3				-												·			

<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892 Page 15 of 35

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

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EQUIPENENTS	Sample Type	Estimated				Grab	Ç.	Gra*	Čra*	9.619	Græð	Cis*	. Gra		equia-bi-o producto transportació de destina en de monte esta transportación de destina de la constante de la							
MONITORING A	Measurement Freq.	Semi-monthly	Semi-monthly	Semi-manthy	An An An An An An An An An An An An An A	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Sem-monthly		Semi-monthly	Semi-monthly		The state of the s	And the state of t		an Toriotakakakistokistakakistokistokonon-denomentakistokistokakistokistokistokistokistokistokistokisto				
	N	\$ ()	M OC M	SKI UNKS	1852/i	W.J. W.	NSW.	700		NG.	MON	MG/L	MGAL		die de la company de la compan	and the state of t						
LIMITATIONS	Max. Dally	Report Only	Report Only	3	70.00		Report Only	03.	2,46	22		Report Only	Report Only									anna de la comp
DISCHARGE	Avg. Morthly	Teron Only	Report Only				Pepart Caly		7.4		1. 7. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5.	-	Kepor Ony									
	WA, Dally	Report Only	Report Only	ė.			Sept of the sept o	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	To - 0.00000 NO.com						Town coursesses.		
		S.	3	.3	) ; 			2002	2	0.630	Š.	2	8480									***************************************
	*******		06/05/2012	08/08/2012	08/08/2018				Z				7.02/50/90 .									
		W	ecrito Constatuanos		kil Suspended Sofias										Actor skoto programme statement og statement og statement og statement og statement og statement og statement							
# MOVE # 2		1540 Flow		I.S.												sidnes auritabas a schadolosta	econocioned in recorden					-
8 300) 9 10	000000	37°38'50" 81°53'46"	, , , , , , , , , , , , , , , , , , ,			,					,			(588.3, 4)			nementi ki ki ku u ku k	usuman di kini kun di kini di mali	·		MATERIA SERVICE SERVIC	passes and the second
Caberre		<b>-</b>			en e	initiation de la constitución de	en e				•	or en				hiyakka ka	Tariba and American A		atiliateii.i.	******************		<b>**************</b>
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Permit No. WV1024892
Page 16 of 35

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

																			•		
EQUAEMENTS Sample Tube	Estimated	Grab						Q#IC		Grab	Quap.	Grab		elemino britante de la composição de la co							
NONTORING R	Seriemonth	Auguous			See Section A of Permit	Sernimonthiy	Semi-monthly	Semi-monthly	Sentmonthy		Semi-month	Servenous					Projektoromodoja kojemodojak kojemodojak kalanda ka				
Sign	CPW		25		*7%	. 7/2)/(1	700	MOZ	708												
	Report Only	Report Only C	3.5	70.00	. 090	Report Only	5	35.77	2	. 27	Report Only	Report Cally	Odditooli Accesses almost								
CISCHARGE Ac. Morriv	Report Only	Report Only	432	30.88		Report Only	4,70	7.4	(1.00	0.73	Report Only	Report Only									
	Report Only	Report Only	00.5	A O		Tapat Only	Report Only	Report Only	Report Only	Report Oilly	Report Only	Zeper Original									
nds Quent	<u> </u>	2000	2010	202	2003	3903			CONC							# 1 PART   PART				ell (	
## ## ## ##	05/05/2012	6/05/2012		6/05/2012				21.07/50/20		08/08/2012	2502000.										
FUENT APACTERSTICS		ofic Conquestions		C Suspended Solide				, Toka (as Fa)					•			e de la constante de la consta	A. A. A. M.				
Elevation EP	1545 Flow		Ξ			<u> </u>									alakka na kata		enicologica de constituence				ntinatenen op Gilbert op bester op b
espinate of the control of the contr	37°38'59" 81°53'50"		Strange in		-							ata kinana kengaja pagian			and an analysis of the second sec				•		
	7							— econoxida (IIII) (III) (III)		-		•			en universität kai karikkon van	maniori di di successi di di successi			•	5-44-6-44-2	
	15			and the constant of the cons	,		entine de constituir de la constituir de l	ennelismonisieko dan lamanaj	osiminoji indensianije neko	Olikinishtele-itiroockyee-umriish	ikeensen oor oo iskeen oo iske		The state of the s				***************************************	······································		9444	

Permit No. WV1024892 Page 17 of 35

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

Effluent	┸	Elevation	EFFLUENT	Begins	Ends	Quan/		DISCHARGE	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	EQUIREMENTS	
_	Longitude	In Feet	CHARACTERISTICS			Conc	Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type	
-	37°39'02" 81°54'02"	1538	Flow	06/05/2012		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly	Estimated	
			Specific Conductance	06/05/2012		Conc	Report Only	Report Only	Report Only	UMHO/CM	Semi-monthly	Grab	
			Hd	06/05/2012		Conc	6.00	N/A	9.00	Std Units.	Semi-monthly	Grab	
		•	Total Suspended Solids	06/05/2012		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly	Grab	•
			Settleable Solids	06/05/2012	-	Conc	N/A	N/A	0.50	ML/L*	See Section A of Permit	Grab	
			Total Sulfates (as S04)	06/05/2012		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab	
			Selenium, Total Recoverable	06/05/2012		Conc	Report Only	4.70	8.20	ng/L	Semi-monthly	Grab	
			Iron, Total (as Fe)	06/05/2012		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly	Grab	
			Manganese, Total (as Mn)	06/05/2012		Conc	Report Only	1.00	1.73	MG/L	Semi-monthly	Grab	
_			Aluminum, Total (as Al)	06/05/2012		Conc	Report Only	0.73	1.27	MG/L	Semi-monthly	Grab	
			Aluminum, Diss. (as Al)	06/05/2012		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab	
			Total Dissolved Solids (TDS)	06/05/2012		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly	Grab	
+	(See 3, 4)												
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<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892 Page 18 of 35

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

<sup>2.</sup> EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

				1					·							1	 <del>,</del>	1		 ,
MONITORING REQUIREMENTS	Sample Type	Estimated	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab							
MONITORING	Measurement Freq.	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly							
	Units	GPM	UMHO/CM	Std Units	MG/L	· ML/L*	MG/L	ng/L	MG/L	MG/L	MG/L	MG/L	MG/L							
LIMITATIONS	Max. Daily	Report Only	Report Only	00.6	70.00	0.50	Report Only	8.20	2.46	1.73	1.27	Report Only	Report Only							
DISCHARGE LIMITATIONS	Avg. Monthly	Report Only	Report Only	A/N	35.00	N/A	Report Only	4.70	1.42	1.00	0.73	Report Only	Report Only						٠	
	Min. Daily	Report Only	Report Only	0.00	Report Only	N/A	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only							
Quan/	Conc	Quan	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc							
Ends																		T.	-	
Begins		06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012							
EFFLUENT	CHARACTERISTICS	Flow	Specific Conductance	Hd	Total Suspended Solids	Settleable Solids	Total Sulfates (as S04)	Selenium, Total Recoverable	Iron, Total (as Fe)	Manganese, Total (as Mn)	Aluminum, Total (as Al)	Aluminum, Diss. (as AI)	Total Dissolved Solids (TDS)							
Elevation	In Feet	1520																		
Latitude	Longitude	37°39'09" 81°54'06"												(See 3, 4)						
Effluent	Туре	٦													1	•		-		 
1	Number	017																		

<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below::

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DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

<sup>2.</sup> EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

MONITORING REQUIREMENTS	Sample Type	Estimated	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab		-	
MONITORING	Measurement Freq.	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Quarterly	Semi-monthly			
	Units	GPM	UMHO/CM	Std Units	MG/L	MG/L	ML/L*	MG/L	MG/L	MG/L	MG/L	MG/L	NG/L	MG/L	MG/L	MG/L	MG/L	TUc	MG/L			
LIMITATIONS	Max. Daily	Report Only	Report Only	9.00	Report Only	70.00	0.50	Report Only	Report Only	Report Only	Report Only	Report Only	8.20	2.46	1.73	1.27	Report Only	1.64	Report Only	. ,		
DISCHARGE LIMITATIONS	Avg. Monthly	Report Only	Report Only	N/A	Report Only	35.00	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	4.70	1.42	1.00	0.73	Report Only	0.82	Report Only	,		
	Min. Daily	Report Only	Report Only	6.00	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	٠.		
Quan/	Conc	Quan	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc			
Ends																						
Begins		06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012		_	
EFFLUENT	CHARACTERISTICS	Flow .	Specific Conductance	Hđ	Alkalinity, Total	Total Suspended Solids	Settleable Solids	Calcium, Total (as Ca)	Magnesium, Tot (as Mg)	Sodium, Total (as Na)	Potassium, Total (as K)	Total Sulfates (as S04)	Selenium, Total Recoverable	Iron, Total (as Fe)	Manganese, Total (as Mn)	Aluminum, Total (as Al)	Aluminum, Diss. (as Al)	Chronic Tox-Ceriodaphnia Dubia	Total Dissolved Solids (TDS)			
Elevation	In Feet	1480																				
		37°39'13" 81°53'46"																		(See 3, 4)		
Effluent	Type																		•			
Outlet	•	018											-					,				

<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

Permit No. WV1024892
Page 20 of 35

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

	ol a																			· ,		
والمراكب المراكبة الم	Sample Type	Estimated		Grab						Creb												
	Messurenent Fred.	Severiment management of the Severiment management of the Severiment of the Severime		Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monthy	Semi-monthy					Semi-monthly				e de la companya del companya de la companya del companya de la companya del compa		west-books and other production of the control of t			
Ì		S	8008		NCM.	35 . **T7W	W674-	3	TON	764	NSF	75%	5.						SEAL OF THE PROPERTY OF THE PR			
	Max Daily		Report Only	26	00.07	. 8	Report Only	3	2.46	7.2	127	Report Only	Wepon Only									
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<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

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# A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

	,			,					_								.,			,		
MONITORING REQUIREMENTS	Sample Type	Estimated	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab			
MONITORING	Measurement Freq.	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Quarterly	Semi-monthly			
	Units	GPM	UMHO/CM	Std Units	MG/L	MG/L	ML/L*	MG/L	MG/L	MG/L	MG/L	MG/L	NG/L	MG/L	MG/L	MG/L	MG/L	TUc	MG/L			
LIMITATIONS	Max. Daily	Report Only	Report Only	9.00	Report Only	70.00	0.50	Report Only	Report Only	Report Only	Report Only	Report Only	8.20	1.56	3.47	0.64	Report Only	1.64	Report Only			
DISCHARGE LIMITATIONS	Avg. Monthly	Report Only	Report Only	N/A	Report Only	35.00	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	4.70	06.0	2.00	0.37	Report Only	0.82	Report Only			
	Min. Daily	Report Only	Report Only	00.9	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only (	Report Only			
Quan/	Conc	Quan	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Сопс			
Ends														,								
Begins		06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012			
EFFLUENT	CHARACIERISTICS	Flow	Specific Conductance	Hđ	Alkalinity, Total	Total Suspended Solids	Settleable Solids	Calcium, Total (as Ca)	Magnesium,Tot (as Mg)	Sodium,Total (as Na)	Potassium, Total (as K)	Total Sulfates (as S04)	Selenium, Total Recoverable	Iron, Total (as Fe)	Manganese, Total (as Mn)	Aluminum, Total (as AI)	Aluminum, Diss. (as Al)	Chronic Tox-Ceriodaphnia Dubia	Total Dissolved Solids (TDS)			
Elevation	In Feet	1040	, -,						,	1135	1					-1-3			<del>-</del>			•
		37°39'15" 81°52'56"																		(See 3, 4)		
Effluent	Type	٦			• •															•	.1	_
	Number	120			٠				_					<u> </u>								

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DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

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MONITORING REQUIREMENTS	Sample Type	Estimated	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	Grab	
MONITORING	Measurement Freq.	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	See Section A of Permit	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Semi-monthly	Quarterly	Semi-monthly	
	Units	GPM	UMHO/CM	Std Units	MG/L	MG/L	ML/L*	MG/L	MG/L	MG/L	MG/L	MG/L	nG/L	MG/L	MG/L	MG/L	MG/L	TUc	MG/L	
LIMITATIONS	Max. Daily	Report Only	Report Only	9.00	Report Only	70.00	0:50	Report Only	Report Only	Report Only	Report Only	Report Only	8.20	1.56	3.47	0.64	Report Only	1.64	Report Only	
DISCHARGE LIMITATIONS	Avg. Monthly	Report Only	Report Only	N/A	Report Only	35.00	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	4.70	06.0	2.00	0.37	Report Only	0.82	Report Only	
	Min. Daily	Report Only	Report Only	0.00	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	Report Only	
Quan/	Conc	Quan	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	Conc	
Ends																				
Begins		06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	06/05/2012	
+	CHARACTERISTICS	Flow	Specific Conductance	Ha	Alkalinity, Total	Total Suspended Solids	Settleable Solids	Calcium, Total (as Ca)	Magnesium,Tot (as Mg)	Sodium, Total (as Na)	Potassium, Total (as K)	Total Sulfates (as S04)	Selenium, Total Recoverable	Iron, Total (as Fe)	Manganese, Total (as Mn)	Aluminum, Total (as Al)	Aluminum, Diss. (as Al)	Chronic Tox-Ceriodaphnia Dubia	Total Dissolved Solids (TDS)	
Elevation	In Feet	1020																		
Latitude	Longitude	37°39'02" 81°52'52"												. <del></del>						(See 3, 4)
Effluent	Type	٦	_					•						• •					_	_
1	Number	021		•	,									,						

<sup>1.</sup> The permittee is authorized to discharge from Outlet Number(s) listed below:

DMM-5-A

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### A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

- \* Instantaneous maximum limitation not to be exceeded at any time.
- 3. COMPLIANCE POINT: Samples taken for compliance with the above monitoring requirements shall be taken at the following locations: Outlet sites
- 4. ALTERNATE EFFLUENT LIMITATIONS: If alternate effluent limits are chosen, the following monitoring scheme applies:
  - (a) Table I Alternate Storm Limitations applies to any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period.
  - (b) Analyze the required parameters, which are determined by effluent type (listed in A.1.) and rainfall event, listed in Table I Alternate Storm Limitations.
  - (c) The permittee shall have the burden of proof that the discharge or increase in discharge was caused by the applicable rainfall event. This shall be verified by the use of a rainfall gauge located within three miles of the discharge point and last emptied no more than twenty-four hours prior to the time the sample was taken. Automated rain gauges may also be utilized. The sampling date and amount of rainfall measured by the gauge shall be reported on the Discharge Monitoring Report(DMR).
- 5. The rainfall gauge shall be located within three miles of the discharge point and last emptied not more than 24 hours prior to the time the sample was taken. Automated rain gauges may also be utilized. The sampling date and amount of rainfall measured for the 24-hour period of the sample being collected shall be reported on the Discharge Monitoring Report(DMR) for each DMR reported.
- 6. SUBMISSION OF DISCHARGE MONITORING REPORTS (DMRs):
  - (a) Permittee shall submit each quarter, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating the values of the constituents listed in Part A, to be in the discharge measured at the specific compliance points. All analyses must be determined by methods required in 40 CFR Part 136.
  - (b) The required quarterly reports shall be postmarked no later than twenty (20) days following the end of the reporting period and shall be sent to:

West Virginia Department of Environmental Protection Division of Mining & Reclamation / HPU / NPDES Section 601 57th Street SE Charleston, West Virginia 25304

- (c) Enter reported average and maximum values under Quantity and Concentration in the units specified for each parameter, as appropriate.
- (d) Specify the number of analyzed samples that exceed the allowable permit conditions in the columns labeled N.E. (i.e. number exceeding).
- (e) Specify frequency of analysis of each parameter as number of analyses/specified period (e.g. 3/month is equivalent to 3 analyses performed every calendar month). If continuous enter Cont. The frequency listed on format is the minimum required. Notwithstanding the frequency of sampling/analyses, there must be at least 10 calendars days between two of the sampling/analyses.
- (f) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic means unless otherwise specified in the permit. "No discharge" or "no flow" cannot count as a sample collected for calculating the arithmetic average when reporting the monthly average limit or averaging of measurement for reporting purposes.

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7. Any "not detected (ND)" results by the permittee must be "ND" at the method detection limit (MDL) for the test method used for that parameter and must be reported as less than the MDL used. The permittee may not report the result as zero, "ND", or report the result as less than a minimum level (ML), reporting limit (RL), or practical quantitation limit (PQL).

When averaging values of analytical results for DMR reporting purposes for monthly averages, the permittee should use actual analytical results when these results are greater than or equal to the MDL and should use zero (0) when these results are less than the MDL. If all analytical results are non-detect at the MDL (<MDL), then the permittee should use the actual MDL in the calculation for averaging and report the results as less than the average calculation.

8. In incidences where a specific test method is not defined, the permittee shall utilize an EPA approved method with a method detection limit (MDL) sensitive enough to confirm compliance with the permit effluent limit for that parameter. If a MDL is not sensitive enough to comfirm compliance, the most sensitive approved method must be used. If a more sensitive EPA approved method becomes available, that method shall be used. Should the current and/or new method not be sensitive enough to confirm compliance with the permitted effluent limit, analytical results reported as "not detected" at the MDL of the most sensitive method available will be deemed compliant for purposes of permit compliance. Results shall be reported on the Discharge Monitoring Reports as a numeric value less than the MDL.

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### TABLE 1 ALTERNATE STORM LIMITATIONS

EFF	LUENT TYPES	DRY WEATHER	DCP*	1 YEAR - 24 HOUR	2 YEAR - 24 HOUR	10 YEAR - 24 HOUR
<u>ACI</u>	D OR FERRUGINOUS CATEGORIES					<del></del>
a.	Discharges from underground   workings of underground   mines not commingled	TSS pH Iron Manganese W(		(NO ALTER	NATE LIMITA	ATIONS)
b.	Discharges from underground workings of underground mines commingled	TSS pH :	Iron Flow	Manganese W	QBEL***	Flow pH WQBEL***
c.	Controlled surface mine drainage(except steep slope and mountaintop removal)	TSS pH	[ron Flow	Manganese W	QBEL***	Flow pH   WQBEL***
d.	Non-controlled surface mine   drainage(except steep slope   and mountaintop removal)	TSS Iron Flow pH Manganese WQBEL***		H Iron Flow se WQBEL***	SS** pH Flow WQBEL***	Flow pH   WQBEL***
e.	Discharges from coal refuse   disposal areas	TSS pH Iron Manganese WQI		Flow SS**   WQBEL***	рн	Flow pH   WQBEL***
f.	Discharges from steep slope and mountaintop removal areas	TSS Iron Flow pH Manganese WQBEL***	Flow	SS** pH	WQBEL***	Flow pH   WQBEL***
g.	Discharges from preparation plants and preparation plant associated areas (excluding coal refuse piles)	TSS Iron Flow pH Manganese WQBEL***	Flow	SS** pH	WQBEL***	Flow pH WQBEL***
h.	Discharges from reclamation areas	Flo	w SS**	pH WQB	EL***	Flow pH   WQBEL***
ALI	VALINE CATEGORY					
i.	Discharges from underground workings of underground mines not commingled	TSS ph Ir WQBEL***	on Flow	(NO ALTERNA 	TE LIMITAT	IONS)
j.	Alkaline Mine Discharges	TSS Iron Flow pH WQBEL***	Flow	SS** pH	WQBEL***	Flow pH WQBEL***
k.	Reclamation areas	Flo	w SS**	pH WQBE	L***	Flow pH   WQBEL***
WA'	TER QUALITY BASED LIMITS					
1.	Water quality based effluent limits	TSS Flow pH WQBEL***	SS**	рН	Flow	WQBEL***
m.	Bathhouse & Sewage		(NO ALTE	RNATE LIMITAT	'IONS)	

DCP\* -- Discharge or increase in the volume of a discharge caused by precipitation within any 24 hour period

SS\*\* -- Settleable Solids

WQBEL\*\*\* -- All Parameters with calculated Water Quality Based Effluent Limits

County: Mingo 1-Year 02.42 2-Year 02.77 10-Year 04.00

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### B. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the following interim requirements with the discharge limitations specified in this permit in accordance with the following schedule:

Interim Requirement

Completion Date

Effective date of this permit

2. Reports of compliance or non-compliance with, and progress reports on the interim and final requirements contained in the above compliance schedule shall be submitted no later than fourteen (14) days following each schedule date.

N/A

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# C. TERMS AND CONDITIONS INCORPORATED BY REFERENCE TO THE WV NPDES REGULATIONS FOR COAL MINING AND FACILITIES, TITLE 47, SERIES 30.

5.	1	Duty to Comply,	Penalties

- 5.2 Duty to Reapply
- 5.3 Duty to Halt or Reduce Activity
- 5.4 Duty to Mitigate
- 5.5 Proper Operation and Maintenance
- 5.6 Permit Actions
- 5.7 Transfer
- 5.8 Property Rights
- 5.9 Duty to Provide Information
- 5.10 Inspection and Entry
- 5.11 Monitoring and Records
- 5.12 Signatory Requirements
- 5.13 Reporting Requirements
- 5.14 Bypass
- 5.15 Upset
- 5.16 Reopener Clause
- 5.17 Removed Substances
- 5.18 New Sources (if applicable)
- 5.19 Definitions

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### D. OTHER REQUIREMENTS

### REPORTING SPILLS AND ACCIDENTAL DISCHARGES

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to Series 3, Section 1 of the Environmental Quality Boards regulations.

Attached is a copy of the West Virginia Spill Alert System for use in complying with Series 3, Section 1 of the regulations as they pertain to the reporting of spills and accidental discharges.

### 2. HAULAGEWAYS AND ACCESS ROADS

Haulageways and access roads shall be constructed and maintained in accordance with best management practices including, but not limited to, the performance standards contained in Title 38, Series 2, Section 4 of the West Virginia Surface Mining Reclamation Regulations.

### 3. RECEIVING STREAMS

The receiving streams shall be monitored by grab samples as required at the stream sampling points listed below, and the samples shall be analyzed for the parameters listed below. The flow of the stream shall also be estimated at the time of monitoring. Monitoring shall be done approximately at the same time as the discharge points are monitored as required under Section A of this permit. A quarterly report of the stream monitoring and flow shall be sent to the NPDES section in Charleston, on the enclosed forms along with the reports required under Section A. Based upon the stream monitoring flow data, water quality standards or other information, the Department may at any time modify the effluent limits in Section A of this permit for any of the discharge points if necessary, to insure compliance with water quality standards.

STREAM STATION	<u>LATITUDE</u>	<u>LONGITUDE</u>	ELEV.
BAS 1	37° 39' 04.4000"	81° 52' 27.2000"	890

Parameters: Temperature, C/ Flow/ Specific Conductance/ Dissolved Oxygen/ pH/ Alkalinity, Total/ Bicarbonate Ion-(as HC03)/ Carbonate ion-(as C03)/ Total Suspended Solids/ Calcium, Total (as Ca)/ Magnesium, Tot (as Mg)/ Sodium, Total (as Na)/ Potassium, Total (as K)/ Chloride (as Cl)/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)

37° 39' 08.3000" 81° 52' 44.7200" 964

Parameters: Temperature, C/ Flow/ Specific Conductance/ Dissolved Oxygen/ pH/ Alkalinity, Total/ Bicarbonate Ion-(as HC03)/ Carbonate ion-(as C03)/ Total Suspended Solids/ Calcium, Total (as Ca)/ Magnesium, Tot (as Mg)/ Sodium, Total (as Na)/ Potassium, Total (as K)/ Chloride (as Cl)/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)

37° 38' 28.8900" 81° 54' 17.5100" 96

Parameters: Temperature, C/ Flow/ Specific Conductance/ Dissolved Oxygen/ pH/ Alkalinity, Total/ Bicarbonate Ion-(as HC03)/ Carbonate ion-(as C03)/ Total Suspended Solids/ Calcium, Total (as Ca)/ Magnesium, Tot (as Mg)/ Sodium, Total (as Na)/ Potassium, Total (as K)/ Chloride (as Cl)/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)

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STREAM STATION	<u>LATITUDE</u>	LONGITUDE	ELEV.
BAS 4	37° 39' 13.9700"	81° 54' 34.6300"	1035
	Parameters: Temperature, C/ Flow/ Specific Conductance/ Dissolved Oxygen/ pH/ Alkalinity, Total/ Bicarbonate Ion-(as HC03)/ Carbonate ion-(as C03)/ Calcium, Total (as Ca)/ Magnesium, Tot (as Mg)/ Sodium, Total (as Na)/ Potassium, Total (as K)/ Chloride (as Cl)/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)		
CB1	37° 39' 09.0000"	81° 52' 45.0000"	957
	Parameters: Flow/ Specific Conductance/ pH/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)		
DBF2	37° 38' 31.0000"	81° 54' 16.0000"	964
	Parameters: Flow/ Specific Conductance/ pH/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)		
DBF3	37° 38' 57.0000"	81° 54' 21.0000"	1001
	Parameters: Flow/ Specific Conductance/ pH/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)		
DCB2	37° 38' 41.0000"	81° 52' 02.0000"	800
	Parameters: Flow/ Specific Conductance/ pH/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)		
DGUY	37° 38' 29.0000"	81° 52' 20.0000"	798
	Parameters: Flow/ Specific Conductance/ pH/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)		
DUBF3	37° 39' 13.0000"	81° 54' 27.0000"	1038
	Parameters: Flow/ Specific Conductance/ pH/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)		
UBF1	37° 36' 32.0000"	81° 54' 14.0000"	1000
	Parameters: Flow/ Specific Conductance/pH/ Total Sulfates (as S04)/ Selenium, Total Recoverable/ Iron, Total (as Fe)/ Manganese, Total (as Mn)/ Aluminum, Total (as Al)/ Aluminum, Diss. (as Al)/ Total Dissolved Solids (TDS)		
UCB	37° 39' 07.0000"	81° 52' 45.0000"	957
	Parameters: Flow/ Specific Conductance Total Recoverable/ Iron, Total (as Fe)/ M (as Al)/ Aluminum, Diss. (as Al)/ Total D	anganese, Total (as Mn)/ Al	

### 4. SURFACE MINES

If the coal mining operation has been granted Phase II revegetation release and all discharge points have been eliminated during the period this permit is in effect, the discharge limitations and monitoring requirements in Section A and Section D.3 stream monitoring shall not apply. The coal mining operation shall be maintained in accordance with best management practices including, but not limited to the applicable performance standards contained in Title 38, Series 2, West Virginia Mining Reclamation Regulation until the associated performance bond has been final released.

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### STORM WATER DISCHARGES

Such discharges shall comply with the applicable Water Quality Standards in 47 CSR 2. Activities consisting of discharges of storm water runoff or snow melt composed entirely of flows which are from conveyances used for collecting and conveying precipitation runoff, in accordance with 47 CSR 30, Section 3.1.a.6 and are authorized under Chapter 22, Article 3, are authorized by this permit. Such storm water discharges shall not involve any mineral removal, pumping of storm water, or storm water runoff commingled with mine drainage, refuse drainage, coal stockpile areas, preparation plant areas, loading areas or unloading areas. The activities shall be constructed and maintained in accordance with the issued Article 3 Permit Revision including incidental boundary revisions and with the best management practices and performance standards contained in 38 CSR 2 and Chapter 22, Article 3. These storm water discharges are authorized under this Condition upon issuance of the associated Article 3 application for the life of this permit. Updated NPDES permit application information will be submitted in the next reissuance application for activities covered under this Condition. The Director reserves the right to require any permittee to submit a NPDES modification when the Director determines that such receiving stream will be better protected by an individual NPDES modification.

### 6. SPECIAL EFFLUENT CHARACTERIZATION CONDITION

The permittee must perform Table 2-IV-A, B, C analyses within two (2) years of commencement of a new discharge. The permittee is also required to identify and analyze any potential pollutants not covered under 2-IV-A, B, C analyses which may be present due to use, manufacturing or byproduct. Representive outlets are acceptable for discharges which receive drainage from similar mining activities and are of the same outlet type. Two (2) copies of the Table 2-IV-A, B and C analyses and any additional potential pollutant analyses must be submitted to the regional office Permit Supervisor and Inspector Supervisor within two (2) years of commencement of discharge.

### 7. SPECIAL SAMPLING CONDITIONS

As set forth in the remainder of this condition, Permittee shall monitor following a qualifying event at the constructed on-bench outlet (precipitation induced) which has been disturbed by mining activity with the largest component drainage area and at the constructed on-bench outlet (precipitation induced) at the lowest elevation on the down dip portion of the operation that has been disturbed by mining activity\* at the time of the qualifying event. The stream monitoring stations associated with the monitored outlets must also be monitored at approximately the same time. A qualifying event is defined as any event where 0.3 inches or more of rainfall occurs within a consecutive 24 hour period. The monitoring can be initiated at any point after rain gauge data indicates 0.3 inches of precipitation has occurred and shall be completed no later than eighteen (18) hours after cessation of the precipitation event. Once a qualifying event is sampled in a given calendar month, this condition is satisfied for that calendar month.

Monitoring at both the outlets and at the associated stream monitoring stations required by this condition shall be for flow, pH, total dissolved solids, specific conductivity and sulfates

In the event of a discharge from the precipitation induced outlets, the sample(s) may be substituted for one of the required semi-monthly samples for the outlet(s) and as such, must be analyzed for all parameters listed in Section A of the permit for each respective outlet and parameters listed in Section D.3 of the permit for the associated stream monitoring station(s). Samples collected from an event that are in addition to the required semi-monthly monitoring must be analyzed for total dissolved solids, sulfates, specific conductivity, flow and pH for each respective outlet and associated stream station(s).

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Rain gauge information must be maintained during the term of the life of the permit and made available to the Director upon request. The Director may require additional sampling if necessary to document that narrative water quality standards are being achieved.

\*Note: Outlets with technology-based post mining effluent limitations (flow, pH and settable solids) are exempt from this condition and shall not be sampled to fulfill the requirements of such.

Monthly reports must be maintained detailing which outlet(s) and stream monitoring station(s) were monitored for this condition. The reports must document that the outlet(s) sampled met the criteria defined in the special condition.

Each report must contain the following information:

Date, time and rain gauge reading for the event sampled.

Analytical results (flow, pH, total dissolved solids, specific conductivity and sulfates) for the outlet(s) stream monitoring station(s) sampled each month to fulfill the requirements of this condition.

These monthly reports must be submitted quarterly no later than twenty (20) days following the end of each quarter. In the event that the sample will be used to substitute for one of the required semimonthly sampling requirements, the analysis must also be included in the discharge monitoring report for that given month.

Copies of the quarterly reports are to be submitted in a format prescribed by WVDEP to:

West Virginia Department of Environmental Protection DMR – NPDES Program Manager 601 57th Street S.E. Charleston, WV 25304 and WVDEP – Regional Office - Permit Inspector

### 8. REOPENER CLAUSE

This permit may be reopened and modified, suspended, revoked and reissued or revoked at any time if information becomes available and demonstrates that the established controls do not attain and maintain the narrative water quality criteria at 47 CSR 3.2.e and 47 CSR 3.2.i.

### 9. WHOLE EFFLUENT TOXICITY LIMITS

The permittee shall quarterly perform chronic toxicity tests as described below, on the effluent from Outlet(s) 011, 018, 020, 021

a. Such testing will determine if an appropriate dilute effluent sample affects the survival or reproduction of the test species. Grab samples of the effluent, as prescribed in Section A, shall be collected for testing. The first day of sampling must be limited to when there has been less than 0.3 inches of rain in the three days prior to sampling and less than 0.1 inches of rain in the 24 hours prior to sampling (this only applies to the first grab sample of the test). An appropriate statistical test shall be used to determine whether differences in control and effluent data are significant.

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The permittee shall conduct a three brood (6-8 days) Ceriodaphnia Dubia survival and reproduction toxicity test on the final effluent diluted by appropriate control water. Toxicity will be demonstrated if there is a statistically significant difference at the 95 percent confident level in survival or reproduction between Ceriodaphnia Dubia exposed to an appropriate control water and the final effluent. All test solutions shall be renewed using an approved renewal schedule. DEP requires TDS, conductivity, sulfate, and bicarbonate analyses for each aliquot used in WET testing. If, in any control, more than 20% of the test organisms die, or less than 60% of surviving females in controls produced their third brood, that test shall be repeated.

b. Results shall be reported in terms of chronic toxic units (TUc) and shall be submitted with the corresponding monthly Discharge Monitoring Report (DMR).

TUc = 100/NOEC or NOEL

Where NOEC (or NOEL) is No Observed Effect Concentration (or Level), which is expressed as Percent (volume) effluent in dilution water. For Example, if NOEC is 10%, TUc= 100/10=10

When the effluent demonstrates no toxicity at 100% effluent (no observed effect), the permittee may report zero TUc.

- c. The monitoring required, herein, shall be conducted in accordance with the sample collection, preservation, and analytical procedures specified in 40 CFR 136.
- d. In addition to the monitoring data reporting requirements of 40 CFR 136, the exact age of the test organisms at the initiation of the test shall be reported. The range of the Ceriodaphnia Dubia used must be reported as a range in hours. All Ceriodaphnia Dubia used in the test must be less than 24 hours of age at test commencement. The age difference between the youngest and oldest Ceriodaphnia Dubia used in the test must not exceed eight(8) hours.
- e. The chronic toxicity testing shall be performed on a quarterly (1/quarter) basis with at least thirty (30) days between tests. The first chronic toxicity testing shall be carried out within 3 months from the construction of the above specified Outlet(s).
- f. If chronic effluent toxicity testing shows noncompliance with the specified limitations prescribed in Section A, the permittee shall immediately resample and test the effluent. This shall be performed within 30 days of the initial demonstration of noncompliance with the whole effluent toxicity discharge limitations prescribed herein. Copies of the retesting results shall be provided to the Director immediately upon completion of the test.
- g. If the second test shows compliance, chronic effluent toxicity testing shall continue in accordance with the requirements, as prescribed herein. However, if the second test shows noncompliance, the permittee must, within 60 days, submit an adaptive management plan (AMP) identifying actions it will take to achieve compliance with the WET discharge limitations.
- h. The Director may impose further requirements should the chronic effluent toxicity testing results demonstrate noncompliance.

All information to be provided shall be sent to the issuing WVDEP Regional Office - NPDES Supervisor and Environmental Resources Analyst and to WVDEP Headquarters (Address: West Virginia Department of Environmental Protection, DMR - NPDES Program Manager, 601 57th Street S. E., Charleston, WV 25304).

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### 10. BIO-MONITORING

The permittee shall conduct semiannual benthic surveys at the location of each biological monitoring stations listed below. The benthic surveys shall be conducted between April 15 - May 30th and July 15 to September 1 each year, avoiding to the maximum extent practicable times when the sample location is influenced by abnormal conditions, including drought and/or scouring flood. All biological surveys should be conducted as close to the anniversary date of the original surveys as possible. The benthic survey shall be in accordance with the established and accepted protocols for the collection, analysis, documentation and presentation of the biological data from Standard Conditions for Environmental Assessment on wadable Streams provided with the WVDNR Scientific Collection Permit and WVDEP's West Virginia Stream Condition Index ("WVSCI") protocol and consistent with the Enhanced Monitoring Plan provided in the AEPP.

If the agency finds the condition of the aquatic ecosystem at the assessment station prior to initiation of the permitted activity to be satisfactory, taking into account all potentially applicable criteria, then the acceptable future biological conditions is a WVSCI score greater than or equal to the WVSCI value representing the 5th percentile of reference (currently 68.0). If the agency finds the condition of the aquatic ecosystem at the assessment stations is less than satisfactory (currently 68.0), taking into account all potentially applicable criteria, then the applicant shall identify existing conditions within the watershed that may be contributing to the problem. If a TMDL addressing biological impairment for ionic stress is not in effect, a WVSCI score greater than or equal to the baseline value would represent an acceptable future condition. A WVSCI score below 68 at BAS 1 shall be a violation of this permit until such time as a biological score from the comparable season (Spring/Summer) at the same station reaches acceptable future biological condition. There will be an affirmative defense for violation of this provision if the violation arose from causes other than activities associated with the Permittee's operation and beyond the control of the Permittee, including its employees, agents, consultants and contractors, which could not be overcome by due diligence, and provided that the permittee demonstrates that it was in compliance with all provisions of this permit, including implementation of the AEPP at the time the violation was detected. The permittee bears the burden of proof and must establish the affirmative defense in a report submitted to WVDEP within 30 days of discovering the violation. This affirmative defense will not be afforded if the Permittee fails to establish any element of this affirmative defense or if operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation caused or contributed in any way to the violation.

### Biological Monitoring Stations:

Station	Latitude	Longitude	
BAS 1	37* 39' 04.4000"	81* 52' 27.2000"	
BAS 2	37* 39' 08.3000"	81* 52' 44.7200"	
BAS 3	37* 38' 28.8900"	81* 54' 17.5100"	
BAS 4	37* 39' 13.9700"	81* 54' 34.6300"	

Within 90 days after conducting the benthic survey the permittee shall provide:

- a. The West Virginia Stream Condition Index (WVSCI) benthic score (0 to 100 basis) and supporting metrics necessary for its calculation.
- b. The corresponding stream habitat assessment scores RBP Visual-Based Habitat Assessment (0 to 200 basis) for the benthic stations listed above.
- c. Concurrent in-stream samples for specific conductivity, total dissolved solids (TDS), pH, sulfate, alkalinity, calcium, magnesium, sodium, and potassium must be taken at the same locations along with the benthic samples.
- d. Representative legible photography of the survey sites.
- e. A narrative Executive Summary/Abstract stream characterization utilizing the benthic and habitat scores, water quality, photos, field work and other applicable information such as tier level, warm-water class, stream order, major/minor basins, pre-law mining impacts, logging activities, other land uses, etc.

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f. Benthic macroinvertabrate data. Data shall be entered into the Access (Contract v3.4 or 3.5) provided to holders WV Scientific Collection Permits. Data shall be submitted via the export queries built into the database. Minimum data to be provided: WVSCI score and associated metrics; raw data (identifications and count); and number of grids picked in order to get 200 organism subsample. Also, habitat and water quality data must be submitted via the export queries into the database.

All information to be provided shall be sent to the issuing WVDEP Regional Office - NPDES Supervisor and Environmental Resources Analyst and to WVDEP Headquarters (Address: West Virginia Department of Environmental Protection, DMR - NPDES Environmental Resources Analyst, 601 57th Street S. E., Charleston, WV 25304.

11. Aquatic Ecosystem Protection Plan (AEPP).

The permittee shall implement the Aquatic Ecosystem Protection Plan (AEPP) submitted on May 30, 2012, see Attachment [AEPP) which is incorporated by reference herein. The permittee shall retain a copy of the AEPP required by this permit at the facility, and it must be immediately available to WVDEP, EPA or any other agency at the time of an onsite inspection or upon request. Failure to implement the AEPP shall constitute a violation of this permit and shall be grounds for revocation or suspension of this permit. The permittee shall submit quarterly reports to WVDEP on the adequacy of the performance of the AEPP and whether revisions are needed.

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The herein-described activity is to be extended, modified, added to, made, enlarged, acquired, constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit; the plans and specifications submitted with Permit Application No. WV1024892, completed the 30 day of April 2012; the information submitted with the application for Reissuance No. N/A completed the N/A day of N/A N/A, with the plan of maintenance and method of operation thereof submitted with such application(s) with the WVNPDES Regulations, Series 30 and with any applicable rules and regulations promulgated by the State Environmental Quality Board.

Failure to comply with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. WV1024892, completed the 30 day of April, 2012, with the information submitted with Application No. for Reissuance No. N/A completed the N/A day of N/A, N/A and with the plan of maintenance and method of operation thereof submitted with such application(s) shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Article 11, Chapter 22 of the code of West Virginia.

This permit is issued in accordance with the provisions of Article 11, Chapter 22 of the Code of West Virginia and is transferable under the terms of WVNPDES Regulations, Series 30, Subsection 3.5.c.

## EMERGENCY RESPONSE SPILL ALERT SYSTEM WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

### **REQUIREMENTS:**

West Virginia Legislative Rules Title 47, Series 11, Section 2 effective July 1, 1987.

### **RESPONSIBILITY FOR REPORTING:**

Each and every person who may cause or be responsible for any spill or accidental discharge of pollutants into the waters of the State shall give immediate notification to the Emergency Notification Number 1-800-642-3074. Such notification shall set forth insofar as possible and as soon thereafter as practical the time and place of such spill or discharge, type or types and quantity or quantities of the material or materials therein, action or actions taken to stop such spill or discharge and to minimize the polluting effect thereof, the measure or measures taken or to be taken in order to prevent a recurrence of any such spill or discharge and such additional information as may be requested by the Department of Environmental Protection. A written verification of such notification shall be submitted upon request of the Department of Environmental Protection.

It shall be the responsibility of each industrial establishment or other entity discharging directly into a stream to have available the following information pertaining to those substances that are employed or handled in its operation in sufficiently large amount as to constitute a hazard in case of an accidental spill or discharge into a public stream:

- 1. Potential toxicity in water to main, animals and aquatic life;
- 2. Details on analytical procedures for the quantitative estimation of such substances in water; and
- 3. Suggestions on safeguards or other precautionary measures to nullify the toxic effects of a substance once it has gotten into a stream.

Failure to furnish such information as required by Section 14, Article 11, Chapter 22, Code of West Virginia shall be punishable under Section 24, Article 11, Chapter 22, Code of West Virginia.

It shall be the responsibility of any person who causes or contributes in any way to the spill or accidental discharge of any pollutant or pollutants into State waters to immediately take any and all measures necessary to contain such spill or discharge. It shall further be the responsibility of such person to take any and all measures necessary to clean up, remove and otherwise render such spill or discharge harmless to the water of the State.

When the Director, Division of Water and Waste Management determines it necessary for the effective containment and abatement of spills and accidental discharges, the Director of Water and Waste Management may require the person or persons responsible for such spill or discharge to monitor affected waters on a manner prescribed by the Director of Water and Waste Management until the possibility of any adverse effect on the waters of the State no longer exists.

### VOLUNTARY REPORTING BY LAW OFFICERS, U.S. COAST GUARD, LOCK MASTERS AND OTHERS:

In cases involving river and highway accidents where the responsible party may or may not be available to report the incident, law officers, U.S. Coast Guards, Lock Masters and other interested persons should make the report.

### WHO TO CONTACT:

Notify Department Headquarters in Charleston, West Virginia at the following number: 1-800-642-3074. (This is a toll-free, 24-hour emergency response number.)

### **INFORMATION NEEDED:**

- Source of spill or discharge
- Location of incident
- Time of incident
- Name of material spilled/discharged
- Amount of material spilled/discharged
- Spilled/discharged materials toxicity

- Personnel at the scene
- Actions initiated
- Shipper/Manufacturer identification
- Railcar/Truck identification numbers
- Container type

2014-00657204262

### RIGHT TO APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this agency action as provided under West Virginia Code § 22-11-21. Pursuant to the provisions of § 22B-1-7(c), a person subject to this action (permittee) may file an appeal to the Environmental Quality Board (EQB) within 30 days of being served notice of such agency action. For other parties (citizens) adversely affected or aggrieved by this action, an appeal may be filed to the EQB within 30 days after the date upon which service was complete to the subject person "(permittee)". Such Notice of Appeal shall be sent to the EQB on the form prescribed by the Board.

West Virginia Environmental Quality Board 601 57th Street, SE Charleston, West Virginia 25304